

## CASE PROCESSING STANDARDS ANALYSIS FAMILY LAW - PROTECTION ORDER CASES

### National Center for State Courts Model Time Standards:

100% of *ex parte* hearing to be held and orders issued in compliance with state law (Intermediate Standard)  
90% within 10 days  
98% within 30 days

**Measurement:** Filing of initial petition through disposition (entry of judgment)

### Arizona Family Law – Protection Order Cases

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt its own standard:

**Ex Parte Hearing:**  
**99% within 24 hours.**

**Measurement:** The date the petition for protective order is filed to the date the protective order is Issued, denied or a pre-issuance hearing is set.

✓ Injunctions Against Harassment and Injunctions Against Workplace Harassment are included.

**Contested Hearing:**  
**90% within 10 days**  
**98% within 30 days**

**Measurement:** The date the request for hearing is filed to the date the protective order is affirmed, modified or quashed.

*Ex parte* hearings typically are conducted on the same day the plaintiff files the petition. At the close of the *ex parte* hearing, regardless of whether the request is granted or denied, the case is completed. However, the law allows the court to schedule a pre-issuance hearing in situations where the judge feels there is inadequate information on which to base the order and wants to hear from both parties. Statute requires pre-issuance hearings to be scheduled within 10 days with reasonable notice to the defendant. As pre-issuance hearings are permitted by state law, Arizona courts should be able to meet the standard for *ex parte* hearings unless pre-issuance hearings are being scheduled farther out than 10 days.

Arizona's protective order laws are significantly different than those of most other states. First, Arizona law allows the plaintiff up to a year to have the order served on the defendant. Some orders are served immediately, others weeks or months later, and others never. Second, in Arizona, there is no final hearing automatically scheduled at the time the initial order is issued. Most states require both parties to appear in court within a relatively short time (10-15 days) at which time testimony is taken and the court decides whether to keep the order in place for an extended time. Under Arizona law, a second hearing occurs only if the defendant asks for one. The defendant can make this request at any time while the order is in effect. If the defendant does request a hearing, it must be conducted within 5 or 10 days, depending on whether exclusive use of the parties' residence is at issue. With this statutory timetable, Arizona courts should be able to achieve disposition of 98% of its protective order cases within 30 days unless continuances are extended beyond this time period.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Ex Parte Hearing</b> Rule 6(B), ARPOP <sup>1</sup>	<p style="color: red; text-align: center;"><b>(Measurement Starts Here for Ex Parte Hearing)</b></p> <p><b><u>Priority for Protective Orders:</u></b> A judicial officer shall expeditiously schedule an <i>ex parte</i> hearing for a protective order involving a threat to personal safety even if previously scheduled matters are interrupted.</p>
<b>Pre-Issuance Hearing</b> A.R.S. §§ 12-1809(E), 12-1810(E), 13-3602(F)  Rule 6(C)(7), 6(E)(5), 6(F)(5), ARPOP	<p><b><u>Denial of an Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment:</u></b> If after the <i>ex parte</i> hearing, the judicial officer has insufficient information to grant the order, the judicial officer may deny the request or set a hearing within <b>10 days</b> with reasonable notice to the defendant.</p> <p style="color: red; text-align: center;"><b>(Measurement Stops Here for Ex Parte Hearing)</b></p>
<b>Service of Process</b> A.R.S. §§ 12-1809(J)-(K), 12-1810(I)-(J), 13-3602(K)-(L)  Rule 1(M)(5), ARPOP	<p><b><u>Service:</u></b> A copy of the petition and the order must be served on the defendant within <b>1 year</b> from the date the order is signed. An order that is not served on the defendant within one year expires. A modified order is effective on service and expires one year after service of the initial order and petition.</p> <p><b><u>Return of Service:</u></b> Server (private process or law enforcement) has <b>7 business days</b> to return proof of service to the court.</p> <p><b><u>Notice to Sheriff:</u></b> Court has <b>24 hours</b> to forward proof of service to the holder of record (usually the county sheriff).</p>
<b>Hearing</b> A.R.S. § 13-3602(I)  Rule 8(A)(1)(a), 8(A)(1)(b), ARPOP	<p style="color: red; text-align: center;"><b>(Measurement Starts Here for Contested Hearing)</b></p> <p><b><u>Contested Hearing:</u></b> At any time during the period during which the order is in effect, a party who is under the protective order is entitled to one hearing on written request. The hearing must be held within <b>10 days</b> from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing must be held within <b>5 days</b> from the date requested.</p>

<sup>1</sup> Arizona Rules of Protective Order Procedure



